

TO: Planning Commission Members
Honorable Mayor and City Council Members
FROM: Shawn Wetterlin, Building/ Zoning Official
DATE: November 8th, 2017
RE: Meeting Minutes,
Tuesday, November 7th, 2017

The Planning Commission met at 5:30 p.m., on Tuesday, November 7th, 2017 in the City Council Chambers at City Hall. The Following members were present: Donald Smith, Linda Larson, Jerry Steffes, Dave Hanifl, Richard Wieser, and Jason Ludwigson. City Council member Brian Krenz and Building/ Zoning Official, Shawn Wetterlin were also in attendance. Patti Dockendorff was not in attendance.

1. The meeting was called to order by Chairman, Smith. The meeting minutes of October 3rd, 2017 were approved as distributed by a consensus of the Planning Commission Members.
2. The Planning commission reconvened the consideration of a Conditional Use permit and Variance request for 850 Shore Acres Road, Tim and Jan Dyer. Architect, Mike Swinghamer reviewed the project.

Motion by Hanifl, Seconded by Ludwigson to recommend to the City Council the granting a Conditional Use Permit, for an alternate elevation method other than the use of fill to elevate a structures lowest floor above the Regulatory Flood Protection Elevation. Parcel number 25.1847.000, better known as 850 Shore Acres Road with the following conditions:

- a. The lower level shall only be used for storage.
- b. The property owner sign the non-conversion form, allowing City staff to inspect the flood openings to ensure they are operational.

Upon a roll call vote, all members present voted in favor of the motion proposed.

Findings:

- a. The enclosed storage area is designed to internally flood.
- b. The enclosed area is constructed with flood resistant materials.

- c. The enclosed area is designed solely for storage.
- d. The DNR expressed no unresolved reservation and design compliance with City floodplain regulations.
- e. This is a permitted use in R1-A Zoning Districts
- f. The City has approved similar C.U.P's for alternate means of flood proofing in the floodplain.

Motion by Hanifl, Seconded by Wieser to approve the Variance request to allow for a setback of 42 feet 6 inches from the Ordinary High Water Line when the Zoning Ordinance, section 12.45, Subd. 3, (page 142) states a setback of 50 feet from the Ordinary High Water Line with the following condition.

- a. The applicant will plant a vegetative buffer at the retaining wall to encourage water infiltration and consider a vegetative buffer where the beach meets the retaining wall.

Upon a roll call vote, all members present voted in favor of the motion as proposed.

Findings:

- a. The Variance does not make the dwelling more visible from the watershed and is not a projection further into the river's edge than the residential structure to the south.
- b. The requested Variance does not alter the essential character of the neighborhood, because it's a single family with ample side yard and front yard setbacks.
- c. No concerns have been registered from neighbors nor significant objections received from the DNR.
- d. It is not an additional intrusion into flood water course because the new addition is no closer to the water than the existing structure.
- e. Zoning states that for lots of less than 100 feet in depth special regulation applies. Where the total lot depth is less than 100 feet the rear setback from the OHW may be reduced by 15 feet.
- f. The applicant is willing to install vegetative buffer at the retaining wall to increase infiltration.
- g. The lot is unique with a large beach area with little grade. This situation moves the 'ordinary high water line' considerably from the river's edge in comparison to most homes in the shoreland on Shore Acres Road which have riprapped steeper banks. This anomaly causes the applicants home to be well behind the likely set back on the north (there is no home on this lot) and the lot to the south. If a straight line were to be drawn between the two setbacks the applicant's home would be well back of that line.

3. The Planning Commission held a public hearing at the La Crescent City Hall, on Tuesday, November 7th, 2017 at 5:45 o'clock P.M. to consider an application for the following Variance. Allow for a home to be built with the attached garage 40 feet in front of the principal dwelling when the Zoning Ordinance, section 12.14, Subd. 6.4 of the Zoning Ordinance (page 52) states,

attached garages shall have the same or greater set back from the street as the principal structure. The variance request concerns certain premises situate in said City described as follows; parcel # 25.0668.000 better known as 110 Shore Acres Road.

General Contractor Andy Allen gave an overview of the proposed project.

The Public Hearing opened. There were no neighbors present to speak on the matter.

The Public Hearing closed.

Motion by Hanifl, Seconded by Ludwigson to approve the Variance request with the following condition.

a. The existing garage structure is removed by the time the house construction is completed or prior to a Certificate of Occupancy is issued.

Upon a roll call vote, all members present voted in favor of the motion as proposed

Findings

a. The request will not alter the essential character of the locality, because the lot is deep and the garage is designed to look like part of the house and cannot be seen in profile as to look like 'a garage with home attached'.

b. The property owner proposes to use the property in a reasonable manner permitted by the zoning ordinance.

c. No concerns have been registered from neighbors.

d. The City has allowed this Variance in the past in similar circumstances on very deep lots.

e. The request is in harmony with the general purposes and intent of the ordinance and consistent with the comprehensive plan.

4. Notice is hereby given that the Planning Commission held a Public Hearing at the La Crescent on Tuesday, November 7th, 2017 at 5:55 o'clock P.M. to consider the application for a proposed Administrative Subdivision to wit: Parcel number 25.1261.002, better known as 1108 Spruce Drive.

The Public Hearing opened with the following persons speaking;

- Linda Bangtson - trustee and applicant, spoke of concerns of the structures that may be placed (2 – 8 plex apartment units) on the parcel and how this may affect the character of the neighborhood and thus existing residents by a possible devaluation of neighboring properties. She would prefer to see one story buildings instead of two stories. She inquired if the City could limit the nature of the buildings to perhaps one story?

- Rebecca Emery, 1214 Spruce Drive, spoke of concerns about having a proposed two story structure next to single story single family dwelling.
- Robert Thoen, 1036 Spruce Drive, concerned about traffic, parking, bus traffic, speed with adding sixteen addition units on the corner may cause issues, along with property devaluation concerns.

The Public Hearing closed

It was noted that we are reviewing an administrative subdivision and not the structures that may or may not be proposed. But it was also noted that since there can only be one principal structure on a lot there could be a subsequent request for a second 'administrative subdivision'. This would be inconsistent with the purpose of a simple administrative subdivision and would more accurately be a 'subdivision' and fall under the rules.

There were concerns from planning commission members if the number of buildings or size of buildings and parking will fit on the lot. Also concerns for the potential developer that the proposed project would require variances and it is in no one's best interest if the developer has a plan for the lots that might not fit on the property.

Motion by Steffes, Seconded by Larson to table the Administrative Subdivision request to the December 5th Planning Commission meeting date, and have Shawn Wetterlin, Zoning Official coordinate a meeting with the applicant, developer and City prior to the December 5th meeting date.

The trustee was encouraged to consult legal counsel, if she wants to restrict future uses of the property.

5. The Planning Commission reviewed the Draft Bicycle and Pedestrian Plan. There will be a Public Hearing on November 20th to consider approving the document. Text changes from discussion will be incorporated into the next draft.
6. The Planning Commission reviewed the Draft Bluffland Plan. There will be a Public Hearing on November 20th to consider approving the document. Text changes from discussion will be incorporated into the next draft.
7. The downtown plan will also be scheduled for public hearing at the meeting of the 20th.

Future Planning Commission meeting dates:

November 20th
December 5th

Meeting Adjourned at 7:30 p.m.

Respectfully, Shawn Wetterlin